

# Overview and Scrutiny Annual Report

April 2008 to March 2009



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# Welcome to the 2008/2009 Overview and Scrutiny Annual report.

It's been a busy year for all the Overview and Scrutiny Panels, having completed four reviews, two call-ins, a consultation response to Government on behalf of the Council and scrutinising the Council's budget process.

This report showcases the highlights from this year with a direct focus on what the benefits have been for the local community.

Real achievements for local people have included:

- Saving two local Post Offices from closure
- Securing funding to investigate the causes of youth homelessness in Norton Radstock
- Asking NHS B&NES to reinvestigate plans to move specific cancer services from the Royal United Hospital in Bath to Bristol
- Consulting with local community groups to find out how to get people more involved with Scrutiny reviews.

The year ahead (2009/10) will be another busy year for us with the introduction of two new pieces of legislation:

**Community Call for Action (CCfA):** This provides elected Members with the opportunity to formally request a relevant Overview and Scrutiny Panel to consider an issue in their Ward for further investigation, if all other options for resolution have failed.

**Police and Justice Act (2006):** This legislation will require Overview and Scrutiny to incorporate Community Safety issues. For us, the Safer and Stronger Communities panel will undertake this role. We will scrutinise the work of local community safety organisations in the area. There is also the possibility of co-opting a community safety partner on to the panel.

In addition to this we also have three reviews currently underway which will feature in our next annual report:

- **'Buildings for the Future: The Environmental Sustainability of Buildings'** review by the Enterprise and Economic Development Panel. Recognising the important role buildings have to play in the Council's priority of "tackling the causes and effects of climate change", this review is looking at the future of both existing and new buildings within Bath and North East Somerset and considering how best the Council can work with both the construction and regeneration industries and the community to improve their environmental sustainability.
- **'Council Connect Review'** an investigation by the Corporate Performance and Resources Panel. This review is looking at customers' experience of using Council Connect (the Council's directory enquiries service) to challenge the current ways of working and improve it for the local community.
- **'Dental Access Review: Second Phase'** the second phase of the Healthier Communities and Older People Panel's dental access review started in April 2009. This is looking to follow up on the issues raised in the first stage about a lack of physical and geographical access in some areas of Bath and North East Somerset.

We look forward to the year ahead with these reviews and our other activities. If you'd like to get involved in our work, please get in touch (contact details on the back cover.).

# What is Overview and Scrutiny?

Overview & Scrutiny (O&S) Panels are made up of Councillors and some co-optees in order to review the work of the Cabinet, (the decision-maker Councillors within the Council) to help to improve the performance of the Council's services. The panels, including a specialist health scrutiny panel, investigate issues that impact the local community.

## What are the aims of Overview and Scrutiny?

- To hold the Cabinet and officers to account
- To ensure that Council services provide good value
- To examine issues that impact on the lives of Bath and North East Somerset residents
- To promote issues which are of relevance to local people and actively engage them in the scrutiny process
- To scrutinise the provision of local health services.

## What type of work do Overview and Scrutiny Panels undertake?

When choosing issues to investigate, panels will question whether recommendations could tangibly improve a service for the local community. A work programme is agreed for the year ahead, with each panel focusing on an area of service delivery (although in some instances, joint panels can be convened to undertake work). Panels can also act as a catalyst – calling other public bodies to account for their actions.

## What doesn't Overview and Scrutiny do?

- Make decisions about Council policies and services. Panels can only make recommendations to the Cabinet or Council.
- Deal with individual queries or complaints. These should be pursued either through Council Connect or the Council's Suggestion and Complaint service (Tel: **01225 39 40 41** E-mail: **councilconnect@bathnes.gov.uk**)
- The panels can not investigate regulatory or 'quasi-judicial' decisions, such as planning or licensing decisions.

## How can members of the public be involved?

By:

- Attending public meetings of Overview and Scrutiny panels
- Suggesting a topic for a scrutiny review
- Giving evidence to a panel
- Sending in comments about any of the reviews being undertaken to **scrutiny@bathnes.gov.uk**
- Staying updated by looking at **www.bathnes.gov.uk/scrutiny**.

## What are Overview and Scrutiny meetings like?

O&S panels meet regularly, during both daytime and evenings. Meetings usually last for about 2-3 hours. The agenda and reports for a panel meeting are published about a week beforehand and are available at **www.bathnes.gov.uk** (under 'Minutes, Agendas and Reports') and also at the Council's public information points. Meetings have a formal structure, but are run in an informal, accessible way with free and open discussion.



From left to right: Cllr Caroline Roberts, Cllr Martin Veal, Cllr David Dixon, Cllr Sally Davis and Cllr Adrian Inker

# Our Panel Members



## Safer and Stronger Communities

Overview and Scrutiny Panel

Caroline Roberts, **Chair** (Lib Dem), Steve Hedges (Lib Dem), Roger Symonds (Lib Dem), Allan Hall (NP\*), Brian Simmons (Con), Alan Hale (Con) and Gordon Wood (Con).



## Healthier Communities and Older People

Overview and Scrutiny Panel

Adrian Inker, **Chair** (Lab), Loraine Brinkhurst (Lib Dem), Will Sandry (Lib Dem), Cherry Beath (Lib Dem), Bryan Organ (Con), Tony Clark (Con) and John Whittock (Con).



## Children and Young People

Overview and Scrutiny Panel

Sally Davis, **Chair** (Con), Shirley Steel (Con), Marie Longstaff (Con), David Speirs (Lab), Nathan Hartley (Lib Dem), Andy Furse (Lib Dem) and Marian McNeir (Lib Dem).



## Enterprise and Economic Development

Overview and Scrutiny Panel

Martin Veal, **Chairman** (Con), Colin Darracott (Lib Dem), Nigel Roberts (Lib Dem), Dine Romero (Lib Dem), Peter Edwards (Con), Richard Maybury (Con) and Brook Whelan (Con).



## Corporate Performance and Resources

Overview and Scrutiny Panel

David Dixon, **Chair** (Lib Dem), Ian Gilchrist (Lib Dem), Rob Appleyard (Lab), Colin Barrett (Con), Barry Macrae (Con), Malcolm Lees (Con) and Chris Cray (Ind).

\* indicates no party affiliation



# Youth Homelessness

## A Review of the Youth Homeless Provision in the Norton-Radstock area of B&NES

Panel: **Children and Young People**  
Timescale: **May - July 2008**

### Why was this under review?

To investigate the extent of youth homelessness in Norton Radstock and the surrounding rural communities.

### What did they find out?

- The Panel identified that there were a number of causes and risks behind youth homelessness. The most common case was that parents were no longer willing to accommodate their children.
- Young people were approaching different agencies in order to assist them with their housing needs. This was because there was no single centre or 'one stop shop' where young people could get all the advice and support they needed.
- There was a high demand for supported living – especially for 16-17 year olds within the Local Authority.

### How did the panel do this?

To ensure that a representative picture was established, a variety of methods were used including interviews with housing officers, representatives from local partner and voluntary organisations including Norton Radstock College, Connexions West and Off the Record. Eight case studies from current young homeless people in Norton-Radstock were also provided by a local ward Councillor.

### Who has benefited?

The panel made the following recommendations:

- Bath & North East Somerset Council should commission further research in order to analyse the extent of the problem in the Norton Radstock area. This has been implemented and feedback is expected by June 2009.
- Bath & North East Somerset Council should consider appointing a Youth Homelessness Officer. They would work on the development and implementation of a Youth Homelessness Strategy and liaise with Housing and Children's services and different agencies.
- This Strategy would include a one stop shop for homeless young people, acting as a single referral pathway thus providing an integrated more efficient service.



# Post Offices

## Bath & North East Somerset Council Response to Post Office Proposals

Panel: **Enterprise and Economic Development**  
Timescale: **February - April 2008**

### Why was this under review?

In February 2008, Post Office Limited published proposals to close 10 Post Offices in the Bath and North East Somerset area. It opened a six-week local public consultation period which ended in April.

The Panel co-ordinated the Council's response by seeking the views of local residents and businesses, flagging up concerns about the proposals.

### What did they find out?

The Panel identified a number of specific concerns raised by local residents and summarised these in their response to the Post Office Ltd. The main concerns broke down into the following areas:

- Impact on the elderly and disabled
- Affect on local businesses
- The value of the local Post Office within the community
- Concern about increase in the carbon footprint
- Increasing deprivation
- Concerns specific to individual areas/Post Offices
- Strategies for coping with closure
- No allowance for scheduled residential and business growth in the area
- No recognition by Post Office Ltd of Council's plans for growth.

Through the consultation conducted by the Panel, it became apparent that the impact of a major new residential and business development in Bath at Western Riverside had not been taken into account when proposals had been developed for closure of the local offices.

The Panel were also concerned that there appeared to be no appeal mechanism or method of requiring Post Office Ltd to reconsider any decisions.

### How did the panel do this?

The local community were made aware of the closure plans through the media. Members of the public were also able to raise their concerns at a contributor session, as well as through an online questionnaire. Furthermore, letters were sent to all Parish Councils.

The Panel also investigated the details of the reasons given by the Post Office for each proposed closure, identifying where there were inaccuracies, gaps and inconsistencies in the information use.

### Who has benefited?

Originally, the Post Office Ltd had planned to close 10, mainly rural, Post Offices. After taking into account the work by the Enterprise and Economic Development panel, the Post Office Ltd decided to retain two of the ten Post Offices planned for closure. One in Bear Flat which would have had a detrimental impact upon the elderly. The other at Lower Weston which would be necessary after the Western Riverside development.

# Transport to Secondary Schools

## Bath and North East Somerset Council Transport to Secondary School Review 2009

Panel: Children and Young People Panel  
Timescale: March 2008 - March 2009

### Why was this under review?

The Panel were made aware of problems with current school transport through previous scrutiny reviews and a petition presented by a local campaign group asking for urgent action to improve services and reduce costs.

### What did they find out?

Some of the Panel's key findings included:

#### Cost of transport

A major concern for parents and young people is the high cost. This was a particular concern for parents with two or more children using the public transport.

#### Reliability

Survey results and evidence from local campaign groups raised concerns over reliability of public transport. It was felt that traffic congestion was the most common cause of unreliability. The Panel also felt that capacity on buses also affected reliability especially for students travelling to Ralph Allen School, whom have been affected by the withdrawal of the 20A/C service.

#### Safety

A number of safety issues were raised during the review including:

- Even though seatbelts are required on school buses, it's not possible to enforce this rule on public or some private transport. Although many

private operators do provide seatbelts, it is not an enforceable requirement. The Panel felt that this raised questions about the suitability of some private school transport companies.

- The safety of children waiting for public transport during the evenings after attending school clubs
- The need for children to carry a card rather than cash for bus fares, as carrying cash makes them vulnerable to theft.

#### Environment

Evidence suggested that many parents use their own cars as transport because they feel public transport is unreliable. This adds to congestion and pollution in the area.

The Panel considered The Green Bus company as an excellent example of school transport. It helps to lower the carbon footprint by increasing the number of children using low emission buses and decreasing the number of cars on the road.

#### Paulton

Transport to Paulton's nearest secondary schools Somerdale or Norton Hill, is both expensive and unreliable. Prior to 2006, pupils from Paulton received subsidised transport to school, post 2006 this entitlement was removed and pupils were required to pay. Furthermore, from September 2008 children from low income families became entitled to free school transport. Paulton has a high concentration of low income families but a relatively low uptake on this scheme. The Panel were concerned that parents weren't aware of their new entitlement and wanted the scheme to get greater publicity, especially in Paulton.

“...the current transport system isn't affordable for the majority of parents living in Bath & North East Somerset.”

#### Travel Plans

The Panel considered whether the Council could develop Travel Plans for schools but it was agreed that Travel Plans needed to be owned and developed by individual schools, not imposed on them, to be successful. 80% of school children are currently covered by a Travel Plan but it is important that these are monitored and reviewed on a regular basis and good practice rewarded.

#### How did the Panel do this?

Initially, the Panel looked at work currently undertaken by the Council and First Bus. Various best practice examples were explored including The Green and Yellow Bus Company, and YOzone cards. Also to hear the views of teachers, parents, Parish Councillors and young people, surveys were distributed and a public contributor session was held. We received over 1,000 responses to our student questionnaire and a further 215 from parents or carers.

The Panel also received a valuable input from local campaign groups. The 'Campaign for Better Home-School transport in Bath & North East Somerset' conducted their own survey which they presented at the Panel's contributor session.

### Who has benefited?

The Panel recognised that the current transport system isn't affordable for the majority of parents living in Bath & North East Somerset.

It recommended:

- A £10 a week term time bus pass could be introduced as well as a subsidy for parents with two or more children.
- New entitlements to subsidised travel for low income families should be re-publicised.
- A pilot scheme should be run at Ralph Allen School and Paulton with the Green Bus Company as these appear to be the areas most affected by unreliable public transport.

The Cabinet response agreed to investigate the possibility of implementing a term time bus pass and to re-publicise the subsidy for low income families. The Cabinet member deferred the decision on the pilot scheme until March 2010 to allow Officers to conduct further research.



# Primary Schools

## Primary School Reviews

Panel: Children and Young People Panel  
Timescales: September 2003 - July 2009

### Why was this under review?

All of the primary schools in the area have been reviewed alongside their partner schools since September 2003. The final review for Central Bath and North East Somerset Area 2, marks the culmination of a six year review process that the cross-party panel have worked on. It covers schools throughout Bath and North East Somerset.

### How did the Panel do this?

Throughout these reviews, the Panel would receive data about individual schools including pupil numbers and maintenance requirements. Panel members would then visit the schools and host a contributor session to find out more about each individual school before writing their report and recommendations.

By researching in this way, it gave the public the chance to shape the Panel's recommendations from the outset.

## Who has benefited?

Highlights from all of these reviews have included:

- An overall reduction in surplus school places from 1641 (15.21%) in 2003 to 1158 (11.91%) in 2008.
- Detailed pupil place analysis and predictions to ensure we meet future demand for school places.
- A new 210 place Primary school in Keynsham.
- Amalgamation of Newbridge St John's C of E Infant and Newbridge Junior School to form the new Newbridge Primary School.
- Savings which have enabled an additional £4 million of capital investment to improve schools.



# Budget Process

The setting of the annual budget goes through a three-stage accountability process, involving all the panels. The Corporate Performance and Resources Panel (CPR) then co-ordinate all the panels' comments to finish the budget scrutiny.

### Why did this take place?

To offer accountability and complete transparency of the budget setting process. The three stage process ensures that decisions about the next 1-3 years have been thoroughly investigated and challenged. This guarantees that maximum benefit is delivered to the local community when the budget is decided and Council Tax levels are set.

### How did the Panels do this?

During the autumn, each panel will discuss future plans for council services in the context of the Council's medium term objectives (1-3 years). In particular, they will look at how future changes in legislation or finances may have an impact upon the local community, and how spending can alter to meet changing needs. They may request further investigation and information at this stage, before any decisions are finally made.

In January, the panels examine and challenge the detail of the proposed budgets for the following financial year (from April), making sure it is being used to achieve the priorities and decisions they considered in the autumn.

The third stage involves a meeting of the CPR Panel in February. By this time, comments from all the panels have been collated and are considered together against the corporate (whole Council) budget. This ensures a co-ordinated picture from the Overview and Scrutiny

panels is given to the Cabinet. The Cabinet then decide which budget proposals are recommended to the whole Council, who make the final decision about the budget and Council Tax. These meetings are open to the public and there is time on the agenda for individuals to speak.

## Who has benefited?

The entire local community benefits from decisions that have been challenged, investigated and justified.

This form of transparency and accountability helps to build trust and cohesion between residents, businesses, local groups and the Council.

Any interested resident, representative, business or Councillor can attend the Overview and Scrutiny Panel meetings to put their views forward.

# Community Empowerment

## Community Empowerment Review

Panel: **Safer and Stronger Communities**  
Time scale: **January - November 2008**

### Why was this under review?

To identify what the Council can do to encourage and support local groups and individuals to get involved in local decision making within Bath and North East Somerset.

### What did they find out?

The key findings included:

- Local empowerment is often driven by a passion for a particular issue and is not driven through any consultation method used.
- The effectiveness of engagement with other groups is often measured by the record of attendance on a particular issue. This is also due to their ability to raise public awareness of their work.
- Cooperation between partner agencies has to be consistent, willing, accessible and responsive for it to be effective in its delivery of local issues. This is often achieved when there is a good working relationship.
- Decisions are considered a success by local community groups when they have been consulted and included in the policy making process.
- A local representative is significant in supporting the local community to achieve control and power of a decision. They can use this representative to address and challenge decisions and issues. This ultimately affects their general feeling of empowerment.

- Similar questions were asked of the Councillors and local organisations during the workshop sessions in order to obtain comparative results. Key similarities between the top issues that Councillors raised and those that the local community groups and organisations actually reported to be involved with were identified. This suggests a common understanding of the key local issues within the community.
- Community groups also stated that they tended to call on their local Councillor to raise issues on their behalf. This was because they felt they would have more success using this method.

### How did the Panel do this?

In order to reach a wide cross section of the community, this review used a variety of consultation methods:

After looking at existing research, the Panel held a contributor session to give the opportunity for groups contribute to the reviews research.

The Panel organised two focus groups, one for community groups and the other for Councillors and Parish Council representatives to discuss what 'community empowerment' meant to them.

From these focus groups, the Panel then developed in-depth case studies from a number of community groups who had been involved throughout the review to find out how they've been able to influence decision making.

## Who has benefited?

This review consulted with a range of community groups including: groups who work with elderly and ethnic minority groups (Bath Ethnic Minority Senior Citizens Association and the Community Development Forum), local groups who campaign about planning issues (Better Bath Forum) and housing (London Road and Snow Hill Partnership), community safety groups and local Parish Councils.

It's hoped that the feedback we gained from these and other groups, will make decision making more accessible for everybody living in Bath and North East Somerset.

“ We want to encourage young people between 13-19 to get involved in decision making. ”

Key recommendations suggest:

- Introducing a remote access system. This will mean that people who cannot attend meetings will still be able to give their views.
- The Council's E Consult system can provide a database of individuals and groups who have taken part in previous consultations. This means the Council should be able to keep community groups informed about issues that interest them.
- Implementing schemes which encourages members from black and ethnic minority groups to become Councillors.
- Developing young leadership schemes by the Democratic Action (DAFB) for Bath & North East Somerset Youth organisation. This encourages young people between 13-19 to get involved in decision making.
- Sharing best practice within schools.

# What is Health Scrutiny?

A key aim of Health Overview and Scrutiny is to make recommendations that improve health services. It focuses on the planning and provision of local health services for Bath & North East Somerset residents. It also increases the accountability of NHS organisations, therefore reducing health inequality and supporting the improvement of health in the area.

## What does the Panel with responsibility for Health Scrutiny do?

The Panel is able to:

- Hold local health services to account
- Hold the Cabinet to account by reviewing Council policies and decisions that may relate to or impact on the health of the local community
- Undertake policy development on behalf of the Cabinet or Council
- Work with communities to promote and investigate issues of concern.

NHS organisations may be invited to meetings of the Panel to give presentations on their areas. In this way the Panel is kept updated about current policy, performance and informed of any proposed changes. The Panel may also invite health organisations to respond to specific requests for information about issues arising.

The areas of work that the Panel undertakes can cover a broad range of issues, whether reactive (such as to possible changes) or proactive (such as reviewing local health issues e.g. how and why services are commissioned and access to services). The Panel also looks at health and fitness promotion (e.g. tackling issues such as obesity or smoking).

## Which health organisations are involved?

Depending on the issue being looked at, the Panel can work with a number of different bodies. Regular involvement is often with the following local organisations, as well as regional and national bodies:

- Bath & North East Somerset Primary Care Trust, now known as NHS Bath and North East Somerset – NHS B&NES
- Avon & Wiltshire Mental Health Partnership (AWP) and Great Western Ambulance Service (GWAS)
- Hospital Trusts (Royal United Hospital, Royal National Hospital for Rheumatic Diseases). Other Hospital Trusts may also be included where they provide services to Bath and North East Somerset residents
- Local Involvement Networks (LINks) patient forums who monitor local health services and social care.

## What powers does the Panel have?

NHS bodies must consult the Panel on any major changes they propose for their services. This is in addition to the duty of those bodies to 'consult and involve' patients and the public whilst these proposals are being developed. Where the Panel considers the change to be 'substantial', it has the power to require further consultation. It also advises on the quality and timing of it and considers the results.

“...NHS bodies must consult the Panel on any major changes they propose for their services.”

## What happens when a health issue affects more than one Council area?

Some health issues will be specific to Bath and North East Somerset while others (e.g. performance of large hospitals or regional health services) will extend beyond the local Council boundaries. In such cases, where substantial change is decided, the Panel is obliged to undertake joint working with the relevant Council's Health Overview and Scrutiny Panels.

## Gynaecological Cancer Services

Panel: **Healthier Communities and Older People**

Timescale: **March 2008 - September 2008**

### Why was this under review?

In 2007, the Panel received impact assessments from NHS Bath and North East Somerset (NHS B&NES), University Hospitals NHS Foundation Trust and a user group about plans to move serious/rare gynaecological cancer services from the Royal United Hospital, Bath to Bristol.

The NHS organisations argued that the move was necessary in order to implement guidelines from the Department of Health which stated that all areas of the country should have dedicated cancer centres to manage surgical gynaecological cancer treatment. However the user group argued that patients requiring this service would be extremely ill and the extra journey to Bristol would add to the stress of the treatment process.

### What did they find out?

The Panel were concerned that there wasn't enough evidence to support a move to Bristol. Furthermore, they felt that service users hadn't been fully consulted over the proposals.

### What happened?

As a result, in March 2008, the local NHS Trusts started a review into the changes led by NHS B&NES. Results from the NHS review are expected to come back to the panel in September 2009. This will require the local PCTs including Bristol, South Gloucestershire, North Somerset and Wiltshire to engage fully with service users and then make revised proposals with clear evidence to support them.

# Healthier Communities and Older People

## Equality of Access to NHS Dental Access Review: Stage 1

Panel: **Healthier Communities and Older People (HCOP)**  
Timescale: **March 2008 - September 2008**

### Why was this under review?

Dental Access Centres (DACs) are responsible for providing emergency dental care. During 2008, the Panel became concerned that certain groups of people were using DACs as they were unable to access mainstream dental practices. As a result, there could be a knock on affect for vulnerable people in the community becoming unable to access dental care.

Additionally, NHS B&NES was due to make a £1 million investment into dental access centres. Therefore the Panel wanted to take a snapshot of the quality of service before the investment. This would allow them to measure whether the investment produced the needed changes.

### What did the Panel find out in Stage 1?

It flagged up key areas of concern for further exploration in second stage of the review:

- **Geographical access:** Limited access to dental access in rural areas of Bath & North East Somerset compared to urban areas.
- **Physical access:** Many practices are in older buildings without disabled access or the practices are on the first floor with no lift.
- **Transport links:** Transport was raised as a barrier to accessing services by a number of groups. Homeless people, students, those living in more rural areas and those with disabilities can find travelling to a practice more of a challenge than others in the general population.
- **Services for older people living in residential or nursing care:** Older people in care homes appear to be far less able to access NHS dental services than other people in the general population.
- **People who are morbidly obese:** These people cannot be treated in general surgery conditions because equipment such as dental chairs are not geared up to their needs.

### How did the Panel do this?

In the first stage of the research, the Panel looked at existing surveys and then created a new online survey. The Panel also interviewed key stakeholders to get their views and find out where problems occurred. The Royal United Hospital and Student Support Services at two local universities were involved. And a survey was undertaken using information on NHS dental practices in the area through the Primary Care Trust's (PCT) website to find out which practices were currently accepting new patients.

The Panel also worked closely with officers NHS Bath & North East Somerset (NHS B&NES (formerly B&NES PCT)).

“...the elderly, homeless, young people, people living in rural areas and disabled people could all benefit from improved access to dental services.”

### Who will benefit?

Once both stages of the review are completed, the elderly, homeless, young people, people living in rural areas and disabled people could all benefit from improved access to dental services. It is hoped that the results will support NHS B&NES to target future investment where it's needed most.

The second stage will involve the Panel comparing the service a year after the investment to indicate where future money should be spent to improve services for vulnerable patients. The Panel will be working closely with NHS B&NES to carry out a survey of those people who are now able to use dental services as a result of the £1 million NHS funding. The Panel's work is expected to finish in September 2009.

# What is a Call-in?

# Call-ins

This process relates to the right of Councillors to examine a Cabinet decision that has been made but not yet implemented.

If the call-in requests meet certain criteria, an Overview and Scrutiny Panel will re-examine the decision. It has the power to ask the Cabinet to reconsider the decision.

It is important to note that the panel can only recommend that the Cabinet reconsider the decision it made. The panel does not have the power to amend the decision itself.

## What decisions are subject to call-in?

Decisions made by:

- the Council Cabinet
- a Cabinet Councillor
- a committee of the Council Cabinet
- an Officer taking a key decision acting on delegated authority from the Council Cabinet
- a body under joint arrangements.

## Are there any instances when decisions cannot be called in?

Yes. The call-in procedure does not apply where:

- the Cabinet decision is urgent as defined in the Urgency Procedure Rules
- the effect of a call-in alone would be to cause the Council to miss a statutory deadline for action
- decisions were made by quasi-judicial or Regulatory Committees.

## Who carries out the call-in function?

The relevant Overview and Scrutiny panel will consider the call-in request, depending on the subject of the decision. It is essential that the membership of a panel throughout a call-in meeting remains constant.

This year, we have had two call-ins which were both considered by the Enterprise and Economic Development Panel.

## Call-in of Government Free Swimming Initiative Decision (January 2009):

The Government requested all local authorities to provide free swimming for under 16s. However, the Government's grant proposed for Bath and North East Somerset did not cover the costs of the initiative. It was decided that this Council would not go ahead with the initiative unless there was a revision of the existing funding offer from the Government to address the substantial shortfall.

Eleven Councillors asked that this decision be reviewed (or called-in) on the basis that it was depriving under-16s of the chance to swim for free.

The Panel agreed with the Cabinet Member's original decision and stated that although it was a good initiative, it had been under-funded by the Government. They asked the Cabinet member to write to the Government to ask why this had been the case, and whether they would consider a longer term funding solution.

## Call-In of Equestrian Access on Pedestrian and Cycle Paths Decision (March 2009):

There are a number of paths and trails across Bath and North East Somerset. For several years many of these have been trialling multi-use, which means walkers, cyclists and horse-riders have been able to access them.

The Cabinet Member's decision included prohibiting horse riders from using the Bath Bristol Railway path and a section of the Norton Radstock Greenway (Northmead Road to Station Road). This was because of safety issues, but allowed them to continue using the Chew Valley Route and Colliers Way, where permitted by local landowners. The decision also said that a strategic network of multi-use paths would be considered in the future.

After these trials ended, the Cabinet Member for Customer Services decided that parts of the paths should return to single use after health and safety issues were raised about equestrian access.

Ten Councillors asked for decision to be 'called-in' as they felt the multi-use of the paths should continue.

The Panel agreed with the Cabinet Members' original decision as they felt that there had not been any new or additional information that required the decision to be reconsidered by the Cabinet Member.

## Contact Details:

We would welcome your comments on this report. You might also feel able to help with some of the work we are doing or suggest a topic for future investigation.

You can contact us:

### By Post:

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You can also find out more about the work we're doing by visiting our website

[www.bathnes.gov.uk/scrutiny](http://www.bathnes.gov.uk/scrutiny)

